



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Emma Best
MuckRockNews
Dept MR 73615, 411A Highland Avenue
Somerville, MA 02144

JUN 24 2019

RE: FOIA-2019-00977

Dear Ms. Best:

This is in response to your request dated June 12, 2019, under the Freedom of Information Act seeking access to emails sent "to or from either the 'director's' office (or equivalent) as well as their chief of staff ... and 'executive director' containing the following ... words between January 01, 2018 to present"

- | | | |
|---------------|---------------|----------------|
| 1. Damn | 18. Lost | 35. Save |
| 2. Damnit | 19. Perjury | 36. Kill |
| 3. Goddamn | 20. Perjured | 37. Decimate |
| 4. Goddam | 21. Lie | 38. Punish |
| 5. Goddammit | 22. Lies | 39. Punishment |
| 6. Webcomic | 23. Lied | 40. Penalize |
| 7. Hurt | 24. 1001 | 41. Penalized |
| 8. Accuse | 25. 1621 | 42. Shred |
| 9. Accused | 26. Game | 43. Wipe |
| 10. Allege | 27. Marijuana | 44. Erase |
| 11. Alleges | 28. Drug | 45. Delete |
| 12. Alleged | 29. Activist | 46. Bastard |
| 13. Disgrace | 30. Activists | 47. Bitch |
| 14. Disgraced | 31. Riot | 48. Bitched |
| 15. Worry | 32. Soda | 49. bitching |
| 16. Worries | 33. Reward | 50. dessert |
| 17. Worried | 34. Prize | |

For the reasons outlined below, we are closing your request as an improper FOIA request.

Although the threshold for a proper request is that it must "enable[] a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort," (see *Judicial Watch v. Exp.-Imp. Bank*, 108 F. Supp. 2d 19, 27 (D.D.C. 2000)) a request may nonetheless fail to reasonably describe the records sought if the request is "so broad as to impose an unreasonable burden upon the agency." See *Nat'l Sec. Counselors v. CIA*, 960 F. Supp. 2d 101,147 (D.D.C. 2013) (quoting *Am. Fed'n of Gov't Emps., Local 2782 v. US. Dept. of*

Commerce, 907 F.2d 203, 209 (D. C. Cir. 1990)). Overbroad and unreasonably burdensome requests are invalid because "FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters" *Assassination Archives & Research Ctr., Inc. v. CIA*, 720 F.Supp. 217, 219 (D.D.C. 1989).

Additionally, the FOIA is not intended to allow requesters to conduct a "fishing expedition" through agency files. *Dale v. IRS*, 238 F. Supp. 2d 99, 104-05 (D.D.C. 2002). This limitation protects the ability of federal agencies to prioritize their resources notwithstanding any obligation to provide access to records under FOIA. *Int'l Counsel Bureau v. US Dep't of Def*, 723 F. Supp. 2d 54, 59-60 (D.D.C. 2010). Ultimately, "[a]n agency need not honor a request that requires 'an unreasonably burdensome search.'" *AFGE, Local 2 782 v. US Dep't of Commerce*, 907 F.2d 203,209 (D.C. Cir. 1990) (citation omitted). Accordingly, your request has been closed. Closure of this request does not preclude you from addressing its deficiencies and submitting another request.

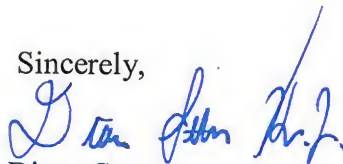
We have determined that you qualify as a News/Media requester under the Commission's Rules of Practice 16 C.F.R. § 4.8(b). As such, you are responsible for duplication costs in excess of 100 pages.

This is the final action on this above-numbered request. If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or via email at FOIAAppeal@ftc.gov, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we are handling your request or about our FOIA regulations or procedures, please contact Amber Howe at 202-326-3498. In any call or future correspondence concerning the request, please refer to the following case number FOIA-2019-00977.

Sincerely,



Dione Stearns

Assistant General Counsel